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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,260	08/10/2005	Chi-Yup An	PATL.P-003	5096
<div>57380 7590 02/07/2008 Oppedahl Patent Law Firm LLC P.O. BOX 4850 FRISCO, CO 80443-4850</div>				
			<div>EXAMINER VERBITSKY, GAIL KAPLAN</div>	
			<div>ART UNIT 2855</div>	<div>PAPER NUMBER</div>
			<div>NOTIFICATION DATE 02/07/2008</div>	<div>DELIVERY MODE ELECTRONIC</div>

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket-oppedahl@oppedahl.com

Office Action Summary

Application No.

10/542,260

Applicant(s)

AN, CHI-YUP

Examiner

Gail Verbitsky

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,3,6 and 7 is/are rejected.
- 7) ☒ Claim(s) 2,4,5 and 8-20 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>03/02/2006, 04/12/2007, 03/30/2006</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Objections

1. Claim 1 objected to because of the following informalities: "power supply" in line 3 makes the claim language confusing because it is not clear how it is operating with the rest of the elements of the claim. What particular structure does it supply?

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang (U.S. 6641305) in view of Huang (U.S. 5915415) and Ziegler, Jr. (U.S. 4994792) [hereinafter Ziegler].

4. Wang discloses in Figs. 3-4 a device in the field of applicant's endeavor comprising a power supply/ power source/ battery 210, a water sensing probe that senses the presence of water flow (open or closed) and activates a circuit activating probe and activates a temperature probe (provides power) which senses the temperature in the tab and transmits the temperature reading to an IC, the IC, in its turn, provides a signal to an LCD display 24 to produce warning lights 25 which has a low warning light 252 and a high temperature warning light 251 (abstract, entire col. 2).

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5. Wang does not explicitly teach that the temperature sensing probe is located in a water mixing portion of a tap, and that the warning lights are of different color, as stated in claim 1 with the remaining limitations of claims 1, 6.

6. Huang discloses a device in the field of applicant's endeavor wherein a temperature sensing probe is located in water mixing chamber portion of a tap.

7. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device disclosed by Wang, so as to place the temperature sensing probe in a mixing portion of the tap, in order to better control mixing of the temperature, and thus to allow the operator to take quick actions.

8. Ziegler teaches warning light of different colors (Fig. 1) to indicate different temperatures of fluid.

9. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device disclosed by Wang, so as to have warning lights of different colors (i.e., red and blue) in order to better alert the operator, since these colors of light are known to be internationally accepted as indications of hot and cold waters.

10. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wang, Huang and Ziegler as applied to claims 1, 6 above, and further in view of Bowen (U.S. 4743120).

11. Wang, Huang and Ziegler disclose the device as stated above.

12. They do not teach the limitations of claim 7.

13. Bowen discloses a device wherein water supply is attaches to a transparent shower hose whose inner surface is not reflective allowing the operator to observe data related to temperature of the inside of the hose through the transparent hose.

14. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device disclosed by Wang, Huang and Ziegler, so as to connect the output of the water to a transparent shower hose, in order to allow the operator to observe water temperature related indication.

15. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wang, Huang and Ziegler as applied to claims 1, 6 above, and further in view of Ronci (U.S. 20020097777).

16. Wang, Huang and Ziegler disclose the device as stated above.

17. They do not teach the limitations of claim 3.

18. Ronci discloses a device for obtaining temperature of a fluid/ water inside a circular article, the device comprises a strip covered/ sealed with a transparent tape, which transparent tape changes color at different segments of the strip and thus, indicating/ emitting temperature.

19. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device disclosed by Wang, Huang and Ziegler, so as to have the temperature emitting / indicating unit attached to the surface of the article of interest covered with a transparent tape, in order to indicate the temperature of the inside of the article, as taught by Ronci, by allowing the tape to

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change its transparency and revealing an appropriate color segment, as very well known in the art.

20.

Allowable Subject Matter

21. Claims 2, 4-5, 8-20 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art cited in the PTO-892 and not mentioned above disclose related devices and methods.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gail Verbitsky whose telephone number is 571/ 272-2253. The examiner can normally be reached on 7:30 to 4:00 ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on 571/ 272-2180. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GKV


Gail Verbitsky
Primary Patent Examiner, TC 2800

January 29, 2008

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